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*Counsel for SouthPeak Interactive, LLC and Nyko Technologies, Inc..*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)**

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In re:	: Chapter 11
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CIRCUIT CITY STORES, INC., <i>et al.</i> ,	: Case No. 08-35653 (KRH)
	:
Debtors.	: (Jointly Administered)
	:
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**MOTION FOR LEAVE OF COURT TO ATTEND HEARING BY TELEPHONE**

SouthPeak Interactive, LLC (“SouthPeak”) and Nyko Technologies, Inc. (“Nyko”), creditors in the above-captioned chapter 11 cases, by and through their undersigned counsel, and pursuant to the Court’s Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures, hereby move for leave of Court to attend the November 12, 2009 hearing by telephone. In support thereof, SouthPeak and Nyko state as follows:

1. On November 10, 2008 (the “Petition Date”), the above-captioned debtors and debtors-in-possession (collectively, “Debtors”), filed voluntary petitions in this Court for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

2. On October 13, 2009, the Debtors filed their Fiftieth Omnibus Objection to Certain Administrative Expenses (the “Objection”). The Objection seeks entry of an order authorizing Circuit City to set off certain “Receivables” against certain “Administrative Expenses” held by SouthPeak and Nyko.

3. SouthPeak and Nyko each filed a response to the Objection on November 4, 2009. In their responses, SouthPeak and Nyko provided the Court with compelling arguments and authorities as to why the Objection should be overruled.

4. Arguments related to the Debtor’s Objection and the responses from SouthPeak and Nyko will be heard by this Court on November 12, 2009 at 10:00 a.m.

5. SouthPeak and Nyko’s lead counsel, William H. Schwarzschild, III, has been representing SouthPeak and Nyko and has a unique and complete understanding of the facts and circumstances related to the arguments made by SouthPeak and Nyko in their responses to the Objection.

6. On November 13, 2008, the Court entered an Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures (the “Order”). On page 5 of Exhibit A, the Order states:

(g) Upon request, the Court may allow counsel to listen to a hearing by telephone. If a matter is contested, counsel must attend in person, unless leave of the court is granted on a case by case basis.

7. Mr. Schwarzschild will not be able to appear in person on November 12 due to prior commitments, and SouthPeak and Nyko respectfully asks for leave of court pursuant to the Order so that he may appear by telephone with other counsel present in the courtroom.

8. Based on Mr. Schwarzschild’s unique knowledge of the facts and legal arguments

in this case, the ends of justice would be served by allowing Mr. Schwarzschild to appear by telephone.

WHEREFORE, SouthPeak Interactive, LLC and Nyko Technologies, Inc. respectfully requests that this Court grant their Motion and enter an Order substantially in the form annexed hereto permitting William H. Schwarzschild, III to appear and be heard by telephone at the hearing on November 12, 2009 on behalf of SouthPeak and Nyko and grant such other relief as necessary and appropriate.

Dated: Richmond, Virginia  
November 9, 2009

**SOUTHPEAK INTERACTIVE, LLC and  
NYKO TECHNOLOGIES, INC.**

*/s/ W. Alexander Burnett*  
By: \_\_\_\_\_  
Of Counsel

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*Counsel for SouthPeak Interactive, LLC and Nyko Technologies, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that I have, this 9th day of November 2009 caused the service of a copy of the foregoing Motion for Leave of Court to Attend Hearing by Telephone to be sent to those on the annexed Service List, by first class mail, postage prepaid, at the address designated by them for service of papers and electronically to the parties set forth on the Court's ECF Service List, in this case.

*/s/ W. Alexander Burnett*

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